

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF ILLINOIS EASTERN DIVISION**

**ANTOINE LAND, Individually, and on  
Behalf of All Others Similarly Situated,**

**Plaintiff,**

**v.**

**FRONTLINE COMMUNICATIONS,  
INC., GINA URSO, COMCAST  
CORPORATION and COMCAST CABLE  
COMMUNICATIONS MANAGEMENT,  
LLC**

**Defendants.**

**Case No. 10-cv-07640**

**Honorable Judge Joan H. Lefkow**

I, Parfait Moukiam, hereby declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the following is true and correct and based upon my own personal knowledge and, if called to testify, would state:

1. I worked as a Comcast/Frontline technician from 2006 to March, 2010 in the state of Illinois.
2. Comcast and Frontline provide cable installations and servicing as part of its normal course of business.
3. From 2006 to approximately December, 2008 I was classified by Comcast/Frontline as an independent contractor. Even though I was classified as an independent contractor, I was required to wear a Comcast/Frontline uniform, place a Comcast/Frontline decal on my vehicle, report to my supervisors and work exclusively for Comcast/Frontline.
4. From 2006 to March, 2010, I worked exclusively for Comcast/Frontline and only performed installations and service jobs related to Comcast products (cable television, telephone and internet) for Comcast customers.
5. During the applicable period, I was provided with a Comcast identification badge.
6. At the end of 2008 or beginning of 2009, I was reclassified by Comcast/Frontline from an independent contractor to an employee. My understanding is that this change was mandated by Comcast. My job duties did not change as a result of the reclassification.
7. I was routed to my jobs via TechNet. My understanding is that TechNet was a routing system used by Comcast. When I woke up each morning I worked, I was required to access TechNet via my cell phone to see the jobs I had been assigned. I also was required to access TechNet to activate cable boxes, send "hits" to reset cable boxes, cancel jobs, change orders and close out each job I completed.



8. I was required to follow specific Comcast performance standards when completing installations or service jobs. I was provided these directives in writing. If I did not comply with these directives I could be written up as part a Quality Control "QC" check. Both Comcast and Frontline performed QC checks of my installations and documented their findings on a QC form.
9. I was required by Comcast to sell its "cable guard" service to all customers I serviced. Cable Guard is a service plan that Comcast offers which basically provides customers with service for certain items for a monthly rate. Comcast tracked the sales of Cable Guard I made. Moreover, if I did not offer "cable guard" I could be subjected to a write-up.
10. All the cable boxes I installed were owned and provided to me by Comcast. If I lost or damaged a Comcast cable box, money would be deducted from my pay.
11. It was no unusual for me to pickup Comcast cable boxes and other equipment from the Comcast offices located on North Avenue in the City of Chicago.
12. My typical day involved:
  - a. Checking TechNet for my routes after I woke up and before I left my home;
  - b. Loading my vehicle with Comcast cable boxes and other equipment;
  - c. Driving to the Frontline warehouse;
  - d. Standing in line to check out and pickup additional equipment I would need to complete my daily jobs;
  - e. Meeting with supervisors to review work orders, routes and Comcast policies and programs;
  - f. Leaving the warehouse and driving to my first job;
  - g. Completing 5 to 12 jobs per day;
  - h. Closing out my last job on TechNet and driving home; and,
  - i. Unloading cable boxes and equipment from my vehicle and securing it inside my home.
13. I communicated with Comcast dispatch on a daily basis to get routes, activate cable boxes, close jobs and discuss details regarding my installations and service calls, amongst other things. If I needed support for an installation or additional equipment, I would contact the Comcast technical support department directly.
14. I was also aware that Comcast was supervising me by tracking my jobs via TechNet. If I did not provide an ETA or was late for a job, Comcast would call me directly. Comcast would also contact me when they received customer complaints.

15. Comcast management, including Steven Martin and Francisco Renteria visited the Frontline warehouse to check up on us and make sure we were complying with Comcast protocols.
16. I typically worked six days per week and ten hours per day for an average total of 60 hours per week.
17. Between 2006 and 2010, I reported to Frontline owners John and Gina Urso; Supervisors Ray (last name unknown) and Mark (last name unknown); and Project Manager Matteo Aguayo.
18. Once a week (usually on Tuesdays), I was required to attend a morning meeting at the Frontline warehouse. These meetings were led by John Urso, Gina Urso and Matteo Aguaya. They were also attended by Steven Martin and Francisco Renteria. During these meetings, John, Gina, Matteo, Francisco and Steve would instruct us on new products, installation and service guidelines we were required to follow, charge backs and our pay amongst other things.
19. Around the end of 2008, all the technicians were required to attend a company-wide meeting led by John, Gina, Matteo, Francisco and others whose names I do not know. We were told at that meeting that our positions were being reclassified from independent contractors to W-2 employees. We were also told that we would be paid differently. However, I did not understand the new pay plan. We had no input on the reclassification or changes to our pay.
20. From 2006 until approximately two months after the reclassification, I was never instructed or required by Comcast/Frontline to record my time worked nor provided with any time cards, punch clocks or other mechanisms to do so.
21. From the end of 2008 to approximately two months after the reclassification, I was paid a fixed rate per job based on the installations and work orders I completed. I was paid on a weekly basis. I was not paid overtime for time worked in excess of 40 hours per week.
22. Approximately two months after I was reclassified by Comcast/Frontline to an employee, I and other technicians were required to use our thumbs to scan in when we arrived at the Frontline warehouse each morning. We were not required to, and in fact did not scan out at the end of the workday. Other than scanning in with my thumb, Comcast/Frontline did not keep accurate records of my actual time worked, including the time I finished work each day.
23. After the reclassification, I was still paid on a weekly basis and still paid a fixed rate per job based on the installations and work orders I completed called a production bonus. I was also purportedly paid an hourly rate and overtime that was deducted from my production bonus. This pay plan was extremely confusing, especially because Comcast/Frontline did not keep accurate time records. My limited understanding is that I was paid based solely on the time I was working on an installation or service call and that was recorded on the CSG TechNet. I was not paid for other time worked including time worked at the warehouse, driving between jobs or worked at home.

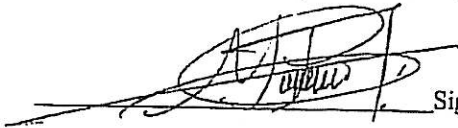
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24. From 2006 to March, 2010, I was not paid based on the actual time I worked. I was not paid overtime for the actual time I worked in excess of 40 hours per week.
25. Deductions from my pay were made on a regular basis. Money was deducted from my pay for work related expenses including, meter rental fees, my cell phone, uniforms, tools, magnets and work related errors also known as "charge backs."
26. I was informed by Frontline management that the charge backs were required by Comcast.
27. From 2006 to March, 2010 I did not have discretion to: work for other cable companies while working for Comcast/Frontline; disregard Comcast directives; work without a Comcast ID badge; perform jobs in the order or manner I saw fit; perform work without using Technet as required by Comcast; perform work without wearing a uniform with the Comcast logo; perform work without using a vehicle that had Comcast decals or signage; perform work for anyone other than Comcast customers; and, hire my own assistants to help me perform installations..
28. From 2006 to 2010, I worked with approximately 80 other technicians at any given time. Like me, these other technicians performed the same duties, attended the same meetings, were required to comply with the same directives and were subjected to the same pay plans. Moreover, these other technicians were subject to the same time keeping practices and lack thereof.
29. I was not paid either my regular wages or overtime compensation for all of the time I actually worked.

Dated: 2-1-2011

 Sign Name